

NOV 10 1988

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jess Walrath, Jr.
Manager, Environmental Assurance
Carrier Corporation
P.O. Box 4808
Syracuse, NY 13221

RE: Carrier Air Conditioning
Collierville, Tennessee

Dear Mr. Walrath:

The United States Environmental Protection Agency (EPA) has spent and is considering spending public funds to investigate and take corrective actions for the control of releases and threatened releases of hazardous substances at the Carrier Air Conditioning site (Site) in Collierville, Tennessee. This action is being taken pursuant to Section 104 and other provisions of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. Section 9601 et seq., as amended by the Superfund Amendments and Reauthorization Act (SARA), P.L. 99-499. EPA has information which indicates your company may be a potentially responsible party.

Potentially responsible parties (PRPs) under CERCLA include current and former owners and operators of the disposal site, persons and entities who generated or produced the disposed hazardous substances and who made agreements for disposal of such hazardous substances at the site, and persons or entities who were involved in the transport, treatment or disposal of hazardous substances at the site. Under Section 107(a) of CERCLA, 42 U.S.C. Section 9607(a), and other laws, PRPs may be liable for costs incurred by the government in taking corrective actions at the site. Such costs may include, but may not be limited to, expenditures for investigations, planning, cleanup of the site, and enforcement activities.

By this letter, EPA intends to notify you of Carrier's potential CERCLA liability. Carrier has been identified as a PRP because it currently owns the Site and has operated the Site since 1967. EPA encourages you, as a PRP, to undertake voluntary cleanup activities. Such activities include the remedial investigation and feasibility study (RI/FS) and, ultimately, the remedial design and remedial action (RD/RA).



This letter is also to notify you of other PRPs at the Site so that Carrier and the other PRPs may enter into discussions concerning negotiating a resolution with EPA. At this time, EPA has identified only two PRPs for this Site, Carrier Corporation and the Town of Collierville.

Finally, this letter requests that you respond to the Information Request set out in Attachment A, attached hereto, pursuant to the authority of Section 104 of CERCLA, 42 U.S.C. Section 9604, and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6927.

Compliance with the Information Request set out in Attachment A is mandatory. Failure to respond fully and truthfully to this request within twenty-one (21) calendar days of receipt of this letter can result in enforcement action by EPA pursuant to Section 104 of CERCLA and Section 3008 of RCRA. Each of these statutes permits EPA to seek the imposition of penalties of up to twenty-five thousand dollars (\$25,000) for each day of continued noncompliance. Please be further advised that provision of false or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001.

EPA regulations governing confidentiality of business information are set out in Part 2, Subpart B of Title 40 of the Code of Federal Regulations. A confidentiality claim may be asserted in accordance with 40 C.F.R. Section 2.203(b) for any portion of the information you submit to EPA which is entitled to confidential treatment. If EPA determines that the information you designate confidential meets the criteria set forth in 40 C.F.R. Section 2.200, the information will be disclosed only to the extent and by means of the procedures specified at 40 C.F.R. Part 2, Subpart B. EPA will consider the failure to furnish a confidentiality claim with respect to this letter as a waiver of that claim, and information Carrier submits may be made available to the public by EPA without further notice.

The Carrier Air Conditioning Site consists of approximately 145 acres located in Collierville, Tennessee. Carrier Corporation has operated an industrial facility at the Site since 1967. The facility presently produces residential air conditioners and heat pumps.

Analysis of groundwater samples taken by the Tennessee Department of Health and Environment showed trichloroethylene (TCE) contamination in monitoring wells at the Site and in two nearby

Town of Collierville municipal wells. TCE is used at the Carrier facility for the degreasing of tubing, and two documented TCE spills have occurred at the Site. TCE contaminated wastewater may have been contained in an unlined lagoon on the Site that was drained and filled with dirt before November, 1980.

The Carrier Air Conditioning site was recommended by EPA Region IV for inclusion on the National Priorities List (NPL). In the June 24, 1988 Federal register, the Site was proposed as a NPL site.

Before any decision can be made by EPA about what cleanup actions are appropriate at the Site, a Remedial Investigation and Feasibility Study (RI/FS) must be conducted to determine the nature and extent of environmental and public health hazards and to identify the relevant alternatives for remedial actions.

EPA is currently planning to conduct an RI/FS at the Site. PRPs may perform the RI/FS provided they agree to follow applicable requirements and procedures of EPA. The negotiation of an administrative order and the preparation of a work plan for this RI/FS would be the first step in this process. In addition to the RI/FS, the corrective measures may include, but are not limited to:

- 1) Designing and implementing the EPA approved remedial action for any groundwater, surface water, soil and air contamination; and
- 2) Providing any monitoring and maintenance necessary after remedial measures have been completed.

EPA will consider an offer by you alone or in conjunction with the other PRPs to conduct the RI/FS. Enclosed is a copy of the draft Administrative Consent Order for your consideration. Please notify EPA, in writing, within twenty-one (21) calendar days from the receipt of this letter, of your willingness and ability to conduct the RI/FS. Should you refuse or fail to respond during this time frame, then EPA will assume that you are unwilling or unable to conduct the RI/FS, and the Agency will obligate Superfund money for this task.

If your response or that of other PRPs indicates to EPA a good faith willingness to undertake the necessary RI/FS, then EPA, in its discretion and in order to facilitate a cleanup agreement, may elect to give your company and other PRPs "special notice" pursuant to Section 122(e) of CERCLA, 42 U.S.C. Section 9622(e), as amended by SARA, and to invoke a moratorium on cleanup responses for ninety (90) days, after which EPA can unilaterally commence the RI/FS. Should EPA elect, subsequent to this letter, to give your company and other PRPs such "special notice", then your company and other

PRPs would have sixty (60) days from the date of receipt of such "special notice" to make a proposal to EPA to undertake or to finance the RI/FS.

Please note that this letter does not constitute EPA's giving of the "special notice" to your company or other PRPs and does not invoke the response moratorium referenced above. EPA will consider any demonstration you make in your response in determining whether a period of negotiation and invoking the moratorium are appropriate in this case. Should a negotiation moratoria be determined to be appropriate, you will be notified of this in a separate letter.

Notwithstanding EPA's request that Carrier conduct the RI/FS, should events occur which necessitate an immediate response action, EPA may, in its discretion, take whatever action is necessary to abate such danger or threat without further notification to you.

Your response to this letter should include the appropriate name, address, and telephone number for further contact with you. If you are involved in discussions with state or local authorities, engaged in voluntary action, or involved in a lawsuit regarding this Site, you should continue that activity and report the status of those discussions in your response. Please provide a copy of your response to any other parties in those discussions. In addition, if you have any reason to believe that there may be other potentially liable parties that have not been identified to EPA, please provide, to the extent available, the names, addresses, and telephone numbers of those parties.

Your response to should be sent to the attention of:

Carol F. Baschon
Assistant Regional Counsel
Hazardous Waste Law Branch
U.S. Environmental Protection Agency
345 Courtland Street, N.E.
Atlanta, Georgia 30365
(404) 347-2641

If you need further information, Ms. Baschon can be reached by telephone at (404)347-2641. Any technical questions should be directed to Ms. Felicia Barnett, North Site Management Section, Superfund Branch, at (404)347-7791.

EPA would like to encourage good faith negotiations between you and the Agency and among you and other potentially responsible parties. Because of the seriousness of this matter and the attendant legal ramifications, the Agency strongly encourages you

to submit a written response within the time frame specified herein. We hope that you will give these matters your immediate attention.

Sincerely,

/s/ Patrick M. Tobin

Patrick M. Tobin
Director
Waste Management Division

Attachment

4WD-SFB
BARNETT

ORC
BASCHON

4WD-SFB
JOHNSTON

4WD-SFB
GREEN

4WB-SFB
STONEBRAKER

ATTACHMENT A

CARRIER AIR CONDITIONER SITE, COLLIERVILLE, TENNESSEE

FIRST SET OF INFORMATION REQUESTS
TO THE TOWN OF COLLIERVILLE

1. Identify the person(s) answering these Requests on behalf of addressee.
2. For each and every Request below, identify all documents consulted examined, or referred to in the preparation of the answer, and provide true and correct copies of all such documents.
(NAME) _____
3. If you have reasons to believe that there may be persons able to provide a more detailed or complete response to any Request contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
(NAME) _____
4. Describe the property lease of the Site between Carrier and the Town of Collierville, providing copies of each lease entered into between the parties.
5. Describe Carrier's purchase of the Site from the Town of Collierville, providing copies of all documents related to that sale.
6. Were/Are there any agreements between Carrier and the Town of Collierville concerning the disposal, storage, or transportation of hazardous substances at the Site.
7. Was/Is the Town of Collierville aware of or involved in any spills and/or clean up of hazardous substances at the Site? If yes, please give details of the incident(s).